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and Counterclaimant
VISTO CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RESEARCH IN MOTION LIMITED,

Plaintiff,

vs.

VISTO CORPORATION,

Defendant.

Case No. C-07- 3177 (MMC)

**JOINT CLAIM CONSTRUCTION AND
PREHEARING STATEMENT OF
PLAINTIFF RESEARCH IN MOTION
LIMITED AND DEFENDANT VISTO
CORPORATION**

VISTO CORPORATION,

Counterclaimant,

vs.

RESEARCH IN MOTION LIMITED, and
RESEARCH IN MOTION
CORPORATION,

Counterdefendants.

Counsel for plaintiff Research In Motion Limited (“RIM”) and defendant Visto Corporation (“Visto”) have exchanged proposed claim constructions for U.S. Patent No. 5,889,839, and have met and conferred thereon. Pursuant to Patent L.R. 4-3 and the Court’s October 9, 2007 Case Management and Docket Control Order (as amended), the parties now submit their Joint Claim Construction and Prehearing Statement.

I. Patent L.R. 4-3(a): Claim Terms, Phrases, or Clauses on Which the Parties Agree

For purposes of Patent L.R. 4-3(a), the parties have no agreed constructions for proposed claim terms, phrases, or clauses.

II. Patent L.R. 4-3(b): Disputed Claim Terms, Phrases, or Clauses

For purposes of Patent Rule 4-3(b), a list of claim terms and proposed constructions on which the parties disagree is attached hereto as Exhibit A. A list identifying references to the specification and prosecution history relied upon for support by each party is attached hereto as Exhibit B. A list identifying already-existing extrinsic evidence each party intends to rely on is attached hereto as Exhibit C.

III. Patent L.R. 4-3(c): Anticipated Length of Time Necessary for the Claim Construction Hearing

For purposes of Patent L.R. 4-3(c), RIM anticipates that two hours total may be required to

1 present arguments and evidence in support of each parties' position. Visto anticipates that one-
2 hour total may be sufficient.

3 **IV. Patent L.R. 4-3(d): Witnesses to be Called at the Claim Construction Hearing**

4 For purposes of Patent L.R. 4-3(d), the parties have agreed that no witnesses will be called
5 by either party at the claim construction hearing.

6 **V. Patent L.R. 4-3(e): Issues Appropriate for a Prehearing Conference Prior to**
7 **the Claim Construction Hearing**

8 For purposes of Patent L.R. 4-3(e), the parties have identified no issues that should be
9 discussed at a prehearing conference prior to the Claim Construction Hearing.

10 Dated: March 17, 2008

Respectfully Submitted,

12 /s/ Robert D. Becker

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20 *Attorneys for Defendant*
21 VISTO CORPORATION

22 *Filer's Attestation: Pursuant to General Order No. 45, Section X(B) regarding*
23 *signatures, Robert D. Becker hereby attests that concurrence in the filing of this document has*
24 *been obtained.*

25 Dated: March 17, 2008

Respectfully Submitted,

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Attorneys for Plaintiff
RESEARCH IN MOTION LIMITED

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EXHIBIT A

Claim Term & Claims	Visto's Proposed Construction	Research In Motion Limited's Proposed Construction
recognizing a cellular telephone, the recognizing using a registration number of a cellular telephone, the registration number identifying a user (claim 9)	In a cellular telephone system, identifying a cellular telephone by obtaining its hardware registration identification number and checking to confirm that a valid user account is associated with the telephone.	ordinary and customary meaning; or, if construed, recognizing a cellular telephone using a registration number that identifies a user
checking for awaiting messages in the mailboxes (claim 9)	The wireless carrier monitoring for awaiting messages in voice mailboxes belonging to the identified registered user associated with the cellular telephone's hardware registration identification number.	ordinary and customary meaning; or, if construed, determining if there are any awaiting messages in the mailboxes
mailbox(es) (claims 9, 13, 14)	An electronic data storage location, provided by the cellular telephone system, for voice messages associated with a valid user account.	ordinary and customary meaning; or, if construed, message storage location(s)

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EXHIBIT B

Claim Term & Claims	Visto's Intrinsic Evidence	Research In Motion Limited's Intrinsic Evidence
recognizing a cellular telephone (claim 9)	U.S. Patent No. 5,889,839 Abstract, Col. 1, lines 56-59, Col. 2, lines 18-29, Col. 3, lines 14-20, Col. 4, ll. 25-31, Claim 1	U.S. Patent No. 5,889,839 Col. 1, lines 54-59 Col. 1, line 66 – Col. 2, line 2 Col. 2, lines 23-30 Col. 3, lines 14-15 Col. 4, lines 25-32 Figures 1 and 2.
checking for awaiting messages in the mailboxes (claim 9)	U.S. Patent No. 5,889,839 Col. 1, lines 60-63 Col. 2, lines 18-37 Col. 3, lines 14-20 Col. 4, lines 24-31 Claim 1 Patent prosecution file history, Amendment and response dated July 31, 1998	U.S. Patent No. 5,889,839 Col. 2, lines 5-18 Col. 2, lines 34-40 Col. 2, lines 51-54 Col. 3, lines 19-20
mailbox (claims 9, 13, 14)	U.S. Patent No. 5,889,839 Col. 2, lines 8-12 Col. 2, lines 18-37 Col. 2, lines 43-50 Patent prosecution file history, Amendment and response dated July 31, 1998	U.S. Patent No. 5,889,839 Col. 1, lines 14-18 Col. 2, lines 8-12 Col. 2, lines 43-50 Figure 1

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EXHIBIT C

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Visto's Extrinsic Evidence

None submitted at this time

Research In Motion's Extrinsic Evidence

McGraw-Hill Dictionary of Scientific and Technical Terms 1201 (5th ed. 1994)

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